

tion authorizes testimony, "except concerning matters for which a privilege should be asserted." This language makes clear that the authorization is not a directive to testify, and that where a privilege or other objection exists, the Member may assert it, notwithstanding that the Senate has authorized the Member's testimony.

The defendant has filed a list of potential witnesses which includes other present or former Members. If any present Members are subpoenaed to testify, the Senate would have an additional concern that testimony be scheduled to avoid conflict with a Member's legislative duties. Rule VI of the Standing Rules of the Senate provides that "No Senator shall absent himself from the service of the Senate without leave." For that reason, resolutions on testimony by sitting senators customarily provide for an exception to authorization when attendance at the Senate is necessary for the performance of legislative duties.

The following resolution also would authorize the Senate Legal Counsel to represent any present or former Members in connection with any subpoenas for testimony or production of documents in this case, as well as provide additional authorization that may be necessary.

FEDERAL EMPLOYEES LEAVE SHARING AMENDMENTS ACT OF 1993

Mr. WELLSTONE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1130), a bill to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1130) entitled "An Act to provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE

This Act may be cited as the "Federal Employees Leave Sharing Amendments Act of 1993".

SEC. 2. REPEAL OF TERMINATION PROVISION.

Section 2(d) of the Federal Employees Leave Sharing Act of 1988 (5 U.S.C. 6331 note) is repealed, effective as of October 30, 1993.

SEC. 3. ADVANCED LEAVE NOT TO BE CONSIDERED IN DETERMINING WHETHER ANY PAID LEAVE IS AVAILABLE.

(a) *IN GENERAL*.—Sections 6331(4) and 6361(6) of title 5, United States Code, are each amended by striking "leave" and inserting "leave (disregarding and advanced leave)".

(b) *TECHNICAL CORRECTION*.—Section 6331(4) of title 5, United States Code, is amended by inserting "the term" after "(4)".

SEC. 4. ACCRUAL OF LEAVE.

Section 6337(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) Any annual or sick leave accrued by an employee under this section shall be trans-

ferred to the appropriate leave account of such employee under subchapter I, and shall be available for use—

"(A) as of the beginning of the first applicable pay period beginning after the date on which the employee's medical emergency terminates as described in paragraph (1) or (2) of section 6335(a); or

"(B) if the employee's medical emergency has not yet terminated, once the employee has exhausted all transferred leave made available to such employee under this subchapter.

"(2) In the event that the employee's medical emergency terminates as described in section 6335(a)(3)—

"(A) any leave accrued but not yet transferred under this section shall not be credited to such employee; or

"(B) if there remains, as of the date the emergency so terminates, any leave which became available to such employee under paragraph (1)(B), such leave shall cease to be available for any purpose.

"(d) Nothing in this section shall be considered to prevent, with respect to a continuing medical emergency, further transfers of leave for use after leave accrued under this section has been exhausted by the employee."

SEC. 5. EMPLOYEE PARTICIPATION IN LEAVE BANK AND LEAVE TRANSFER PROGRAMS.

(a) *AUTHORITY TO PARTICIPATE IN BOTH PROGRAMS*.—

(1) *IN GENERAL*.—Section 6373 of title 5, United States Code, is amended to read as follows:

"§6373. Authority to participate in both programs

"(a) The Office of Personnel Management shall prescribe regulations under which an employee participating in a leave bank program under this subchapter may, subject to such terms or conditions as the Office may establish, also make or receive donations of leave under subchapter III.

"(b) Notwithstanding any provision of section 6337 or 6371, if an employee uses leave transferred to such employee under subchapter III and leave made available to such employee under this subchapter in connection with the same medical emergency, the maximum number of days of annual leave and sick leave, respectively, which may accrue to such employee in connection with such medical emergency shall be the same as if all of that leave had been made available to such employee under this subchapter."

(2) *TECHNICAL AMENDMENT*.—The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6373 and inserting the following:

"6373. Authority to participate in both programs."

(b) *ELIMINATION OF PROVISION TREATING LEAVE BANK PROGRAM AS A DEMONSTRATION PROJECT*.—Section 6362 of title 5, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a) by striking "(a)".

SEC. 6. EFFECTIVE DATE.

Except as provided in section 2, this Act and the amendments made by this Act shall take effect as of the 120th day after the date of the enactment of this Act or such earlier date as the Office of Personnel Management may by regulation prescribe.

Mr. WELLSTONE. I move the Senate concur in the amendment of the house. The PRESIDING OFFICER. Without objection the motion is agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote by which the motion was agreed to and I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

MEASURE PLACED ON THE CALENDAR—S. 1490

Mr. WELLSTONE. Mr. President, I ask unanimous consent that S. 1490, the U.S. Grain Standards Act Amendments of 1993, introduced earlier today by Senators DASCHLE, LEAHY, and CRAIG, be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 578

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed, but not prior to October 22, to the consideration of Calendar No. 163, S. 578, the Religious Freedom Restoration Act; and that the bill be considered under the following limitations:

That there be 30 minutes for debate on the bill, with all time equally divided and controlled in the usual form; that the only amendments in order be the following: a Kennedy-Hatch amendment clarifying technical amendments, 10 minutes for debate; a Reid amendment regarding exempting prisons from bill's provisions, 2½ hours for debate; that upon the disposition of aforementioned amendments and the user or yielding back of time, the bill, as amended, if amended, be advanced to third reading; and that the Senate then proceed to the immediate consideration of Calendar No. 64, H.R. 1306, the House companion; that all after the enacting clause be stricken and the text of S. 578, as amended, if amended, be inserted in lieu thereof; that the bill be advanced to third reading; and that the Senate vote on final passage of H.R. 1306, as amended; that upon the disposition of H.R. 1306, the Senate measure, S. 578, be indefinitely postponed; with all of the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CERTAIN PROPERTY OWNED BY AN INDIAN HOUSING AUTHORITY

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3051, a bill just received from the House, to provide that certain property owned by an Indian housing authority located in the State of Oklahoma shall be treated as Federal property; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3051) was deemed read the third time and passed.